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FILE ONLY

CIA Reportedly Got OK to Spirit Suspects to U.S.

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WASHINGTON — President Reagan signed a secret directive last year that authorizes the CIA to seize suspected terrorists in foreign countries and return them to the United States to stand trial, government officials said Friday.

The directive, officially called a "finding," also authorizes other covert actions against terrorists, including preemptive strikes against those believed to be preparing for an assault, the officials said.

The document was signed in January, 1986, about the same time that Reagan signed another secret finding that authorized the sale of arms to Iran as part of a plan he said was aimed at establishing relations with moderate elements in Iran and seeking that country's help in securing the release of American hostages held in Lebanon.

No Terrorists Seized

Officials said no terrorists have been seized so far under the directive.

The Wall Street Journal, which disclosed the existence of the directive Friday, reported that Reagan signed it despite "fierce opposition from some officials in his Administration and in the CIA and the Federal Bureau of Investigation."

The Journal said the most vocal advocates of the abduction strategy, which reflected the Administration's frustration over its inability to bring suspected terrorists to justice, were CIA Director William J. Casey, Atty. Gen. Edwin Meese III, Secretary of State George P.

Shultz and Lt. Col. Oliver L. North, a former White House National Security Council aide.

Shortly after the directive was issued, a National Security Council subcommittee headed by North rejected the use of abduction when considering a Justice Department proposal to find and kidnap three suspected terrorists, sources told The Times. North was fired in November for his role in the Iran arms sales.

The Justice Department proposed abducting the three men indicted for the June, 1985, hijacking of Trans World Airlines Flight 847 to Beirut, sources said. During the hijacking, Navy diver Robert Dean Stethem, a passenger on the aircraft, was beaten and shot to death.

In the decision to reject the Justice Department proposal, there was no discussion of the presidential directive authorizing such abductions, a source familiar with the matter said.

A State Department official told The Times that Reagan issued the finding to protect CIA agents involved in such operations from civil lawsuits here or abroad by making it clear they were operating under U.S. government orders.

A Problem for Agents

U.S. law enforcement authorities—a category that does not include CIA agents—already had operated under such protection, the State Department official said. Under American law, defendants in criminal cases already were subject to being spirited out of foreign countries and returned to the United States for trial.

"That doesn't mean it's legal," said the official, who spoke on condition he not be identified, "but the courts have consistently denied the right of defendants in criminal cases here to have their cases dismissed because of the manner in which they were arrested and brought back."

"At the same time, there could be a serious problem for American agents who seize somebody overseas because they might be violating laws of foreign countries. At least this directive would make it clear the agent is acting under orders of the U.S. government."

FBI Director William H. Webster, who voiced doubts about any abduction strategy before the directive was adopted, declined to comment on the presidential directive. But he said through a spokesman that any such actions must be "weighed carefully."

"Constitutionally, few—if any—issues would be raised," said Webster, a former federal appellate

judge. But such actions must be considered in light of possible damage to U.S. relations with countries where the abductions took place as well as with third countries, he said.

A long line of court cases, including an 1866 Supreme Court decision, have upheld the power of U.S. law enforcement authorities to resort to abduction and other extreme means to bring back fugitives from foreign lands.

Rights Not Violated

Regardless of how defendants were brought to American shores, the Supreme Court held in that ruling more than a century ago, their rights to due process under U.S. law have not been violated as long as they are properly indicted and tried in the United States.

As recently as last year, U.S. courts raised no objections when Rene Martin Verdugo, an accused drug dealer wanted in connection with the slaying of Drug Enforcement Administration agent Enrique S. Camarena, was abducted in Mexico and brought to the United States.

Verdugo was abducted by several former Mexican police officers, blindfolded and driven from San Felipe, a Baja California resort town, to Mexicali, where he was shoved through a hole in the border fence into the hands of U.S. authorities. U.S. officials acknowledged paying the abductors \$32,000 in cash for delivering Verdugo.

Similarly, in 1982, Edwin P. Wilson, the former CIA agent who provided terrorist training for Libyan forces, was lured from Libya to the Dominican Republic, which promptly sent him to the United States.

Wilson was persuaded to leave his haven in Libya and travel to the Dominican Republic by associates who were acting in collusion with U.S. marshals. Cooperating Dominican authorities told Wilson his travel papers were not in order and helped place him aboard a New York-bound plane. Once in the United States, he was arrested by marshals who had been shadowing him.